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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' NOTICE OF PARTIAL
WITHDRAWAL OF MOTION FOR
SUMMARY JUDGMENT OF NON-
INFRINGEMENT**

Date: June 8, 2017
Time: 8:00 a.m.
Ctrm: 8, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 2, 2017

At the hearing on May 3, 2017, the Court informed the parties of the following rule for summary judgment motions in this case:

You can bring this summary judgment motion, but if you don't win it, no more summary judgment motions. That's true. So each of you get one free bite.

Mr. Jacobs has taken his one free bite. You get one free bite. And if you win, you get to bring another one. If you lose, that's the end of the line for summary judgment.

(5/3/2017 AM Public Hr'g Tr. 123:19-24.) As the Court noted, Defendants Uber Technologies, Inc., Ottomotto LLC, and Otto Trucking LLC ("Defendants") had already filed a Motion for Summary Judgment of Non-infringement ("Motion") on May 2, 2017, prior to the hearing.

In view of the Court's comments, Defendants hereby withdraw the portions of their Motion directed to Spider. (ECF No. 331 at 1:11-16, 4:24-5:20, 6:4-7:13, 7:16-17 ("and Waymo's Third, Fourth, and Sixth Causes of Action should be dismissed with prejudice").) Defendants reserve all rights to move for summary judgment of non-infringement as to Spider at a later date.

Defendants maintain the portions of their Motion directed to Fuji. (ECF No. 331 at 1:1-10, 1:16-17 ("Summary judgment of noninfringement should be granted for the '922, '464, and '273 patents"), 1:18-4:23, 5:21-6:3, 7:15-16 ("For the foregoing reasons, summary judgment of non-infringement of the '922, '464, and '273 patents should be entered").)

Dated: May 12, 2017

MORRISON & FOERSTER LLP

By: /s/Michael A. Jacobs

MICHAEL A. JACOBS

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